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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,816	01/24/2006	Johannes Hendrikus Maria Lemmers	NL 030912	7555
65913	7590	04/10/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HANCE, ROBERT J	
			ART UNIT 4134	PAPER NUMBER
			NOTIFICATION DATE 04/10/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**Office Action Summary**

Application No.

10/565,816

Applicant(s)

LEMMERS, JOHANNES  
HENDRIKUS MARIA

Examiner

ROBERT HANCE

Art Unit

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng et al., "Digital Television Application Manager", *2001 IEEE International Conference on Multimedia and Expo* Pg. 685 – 688, in view of Ludvig et al., US Patent No 7,216,170.

**As to claim 1** Peng et al. disclose a method, for a receiver adapted for receiving broadcasted signal from a broadcaster, of handling the execution of a first independent feature (Section 2.2, Table 1), where at least a part of feature data, needed to execute said first independent feature, is comprised in said broadcasted signal as data relating to a first Xlet (Table 1 – the AIT, which is contained in a broadcast signal, is data relating to an Xlet, and is needed to execute the applications), and wherein said feature data are broadcasted as data carousels (Section 1, paragraph 2), the method comprising the steps of: receiving instructions identifying said first feature, wherein the instructions further comprise an identification that the identified first feature is to be executed (Section 2.1 – 2.2 – AIT, which is sent in the transport stream, contains signaling information, which is used for managing an Xlet application. See *Application\_control\_code* in the AIT); loading, from the data carousel, the feature data related to said first feature into memory of said receiver (Section 1, paragraph 7; Section 3.1), executing said identified feature (Section 2.2, Section 3.1).

Peng et al. fail to disclose that said data relating to said first Xlet further comprise feature data needed to execute at least a second independent feature. However, in an analogous art, Ludvig et al. disclose an AIT which contains data necessary to execute a plurality of applets (col. 13 line 66 – col. 14 line 32; Fig. 3: 304).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ludvig et al. and Peng et al. The rationale for this combination would have been to have a single, central AIT that pertains to all applications, rather than having to download a new AIT for each separate application. This would make updating and debugging of the AIT faster and easier for the broadcaster. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 2** Peng et al. disclose mounting the data carousel comprising the feature data needed to execute said first independent feature (Sections 4.2-4.3 – the file structure contained in the carousel is obtained, therefore the carousel has been mounted), creating a class loader being dedicated to said first feature (Section 4.3).

**As to claim 3** Peng et al. disclose receiving instructions identifying a feature, wherein the instructions further comprise an identification that the identified feature is to be terminated (Sections 2.1, 2.2 – AIT contains application control instructions, which are used to execute and terminate applications), terminating said feature (Fig. 2), removing the feature data, related to said identified feature, from memory of said receiver (Section 4 paragraph 3; Section 4.1).

**As to claim 4** Peng et al. disclose unmounting the data carousel comprising the feature data needed to execute said first independent feature and removing it from the memory, removing all references to the class loader being dedicated to said first feature

and removing it from the memory (Abstract; Sections 4, Paragraph 3; Sections 4.3 – 5 – Peng et al. discloses that garbage collection occurs after quitting an application and that classes are removed from STB memory upon termination. It would be readily apparent to one of ordinary skill in the art that garbage collection would further entail removing the file structures mounted from the carousel and removing references to class loader).

**As to claim 5** Peng et al. disclose a method according to claim 1, wherein the instructions identifying said first independent feature is received from the broadcaster (Section 1 Paragraph 5).

**As to claim 6** Peng et al. disclose a method according to claim 1, wherein the instructions identifying said first independent feature is received from a user communicating with the receiver (Section 1 Paragraph 5).

**As to claim 7** Peng et al. fail to explicitly disclose that the receiver presents an identification of at least a part of said broadcasted independent features to said user and the instructions identifying said first independent feature is based on said presentation. However, examiner takes official notice of the fact that it was well known in the art at the time of the invention to use graphical user interfaces to give users the option of choosing between a plurality of applications whose identity are presented to a user, and that the instructions used to execute this application are given based upon the user's selection.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a GUI in the system disclosed by Peng et al. The rationale for this combination would have been to present a user friendly interface from which

applications to be executed can be selected. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

**As to claim 8**, see similar rejection to claim 1, where Ludvig et al. disclose that a plurality of applications depend on the AIT (see Fig. 3). Therefore the method of claim 8 corresponds to the method of claim 1 as analyzed above.

**As to claim 9** see similar rejection to claim 1. The receiver of claim 9 corresponds to the method of claim 1. Therefore, claim 9 has been analyzed and rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00am - 5:00am EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LunYi Lao can be reached on (571) 272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./

Examiner, Art Unit 4134

/LUN-YI LAO/

Supervisory Patent Examiner, Art Unit 4134